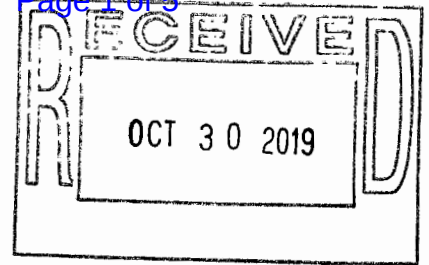


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA



Dennis Hicks  
Petitioner

v

Civil Action No.: \_\_\_\_\_

Crim Action No.: 07-CR-83-1

United States of America  
Respondent

MOTION FOR "STATUS UPDATE" PURSUANT  
TO FRAP RULE 1, RULE 3, RULE 4 AND  
RULE 5; PERTAINING TO THE  
DELAYED FILING OF PETITIONER'S  
RECENT FILING FOR MODIFICATION  
OF SENTENCE UNDER 18 USC §3582

NOW COMES Dennis Hicks (Petitioner), pro se, and moves this Honorable Court to Grant Petitioner a Status Update on why his filing has not been filed (and docketed) with the Court, pursuant to FRAP Rules and states the following:

- 1) Petitioner filed a Motion for Modification of Sentence pursuant to 18 USC §3582 in light of new case precedent in favor of Petitioner;
- 2) Such a Motion was received and signed for on 9-23-19. (See Attachment #1 - Copy of the signed receipt by the Court Clerk);
- 3) As of this filing/request for a Status Update, it is now thirty (30) days and counting and Petitioner has not received notice of the actual filing; nor a Civil Action Number per the FRAP;
- 4) Pursuant to FRAP Rule 5 (Serving and Filing pleadings and other papers); the Rule states:  
  
-5(b)(2)(F); delivering service by any other means that the person consented to in writing - in which event service is complete when the person making service delivers it to the Agency (clerk) to make delivery;  
  
and  
  
-5(d)(4)(Acceptance by Clerk) says, the clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice;

5) Pursuant to FRAP Rule 3 (commencing an action) and Rule 4 (summons); the Rule states:

-R(3) a civil action is commenced by filing a complaint with the court;

-unless Rule 3 and Rule 4(A) are read together ...substantive rights of a persons may be seriously affected without their knowledge that complaint has been filed in the Office of Clerk (Yudin v. Carrol), 57 F.Supp.793 (D.Ark.1944)

6) Pursuant to FRAP Rule 1 (Scope and Purpose); the Rule states;

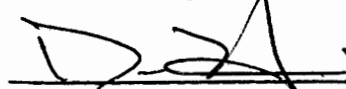
These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

7) By way of the above mentioned FRAP, Petitioner has met the correct form and filing with the Court, and requests the Court to proceed pursuant to Rule 1 and Rule 4; in which the Court must file, then issue a Show Cause order to the Respondent to begin the appellate proceedings and briefings;

WHEREFORE, Petitioner Dennis Hicks humbly requests that the Court Grant this Motion and advise why there is a delay in having his 18 USC §3582 Motion filed and docketed appropriately; and next, issue a FRAP Show Cause Order to the Respondents thus beginning the Briefing Process and for such other and further relief deemed proper and necessary in the Interest of Justice.

Dated: 28 OCT., 2019

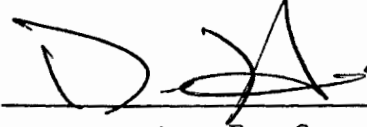
Respectfully Submitted,



Dennis Hicks, pro se  
Fed. No. 62108-066  
LSCI Allenwood LOW  
PO Box 1000  
White Deer PA 17887

AFFIDAVIT

I Hereby Certify that the foregoing facts are true and correct to the best of my knowledge and belief under penalty of perjury as per 28 USC Section 1746.

  
Dennis Hicks, Pro Se

CERTIFICATE OF SERVICE

I Hereby Certify that a copy of the foregoing Petition/Motion was mailed on this 28 day of OCTOBER, 2019, by First Class Mail, postage prepaid to:

AUSUA

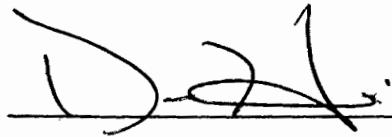
Office of the US Attorney

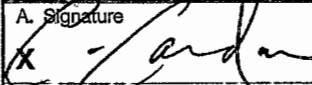
Melanie B. Wilmoth

615 Chestnut Street

Suite 1250

Philadelphia, PA 19106

  
Dennis Hicks, pro se

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY			
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p>US District Court Eastern Dist. Of Pennsylvania 601 Market St. rm 2609 Phila PA 19106-1729</p>		<p>A. Signature   <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  C. Cardona</p> <p>C. Date of Delivery  9-23-19</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>			
<p>9590 9402 2456 6249 9120 64</p> <p>2. Article Number (Transfer from service label)  7018 0360 0001 6678 4575</p>		<p>3. Service Type</p> <table border="0"> <tr> <td> <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Registered Mail  <input type="checkbox"/> Registered Mail Restricted Delivery (over \$500) </td> <td> <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery </td> </tr> </table>		<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Registered Mail <input type="checkbox"/> Registered Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Registered Mail <input type="checkbox"/> Registered Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery				

PS Form 3811, July 2015 PSN 7530-02-000-9053

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INMATE NAME/NUMBER: DENNIS HICKS 6210  
FEDERAL CORRECTION COMPLEX-ALLENWOOD L.S.C  
P.O. BOX 1000  
WHITE DEER, PA 17887-1000

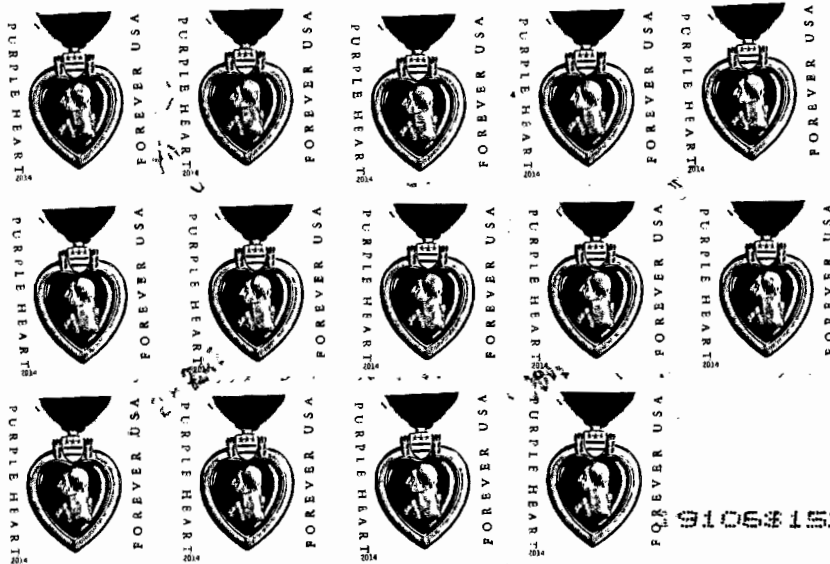
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⇔ 62108-066 ⇔

Office Of The Clerk  
601 ARCH ST  
Phila, PA 19106-1797  
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